

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas Robert Gold
Serial No. : 10/768,939
Filed : January 30, 2004
For : A METHOD OF HOLDING A PUTTER
AND PUTTING A GOLF BALL
Examiner : Chiu, Raleigh W.
Art Unit : 3711
Confirmation No. : 7176
Customer No. : 42754
Attorney Docket No. : 672P001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that this correspondence
is being deposited with the United States
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lope addressed to: Commissioner of Patents
P.O. Box 1450, Alexandria, VA 22313
on January 30, 2007 ¹⁹⁵⁵ (Date)
Robert G. Frame
Name of applicant, assignee, or Registered
Representative
[Signature]
Signature
January 30, 2007
Date

DECLARATION UNDER 37 C.F.R.1.131

This affidavit accompanies the Request for
Continued Examination and is responsive to the Final
Rejection mailed on November 3, 2006.

Declaration

I, Thomas Robert Gold do declare as follows:

1. I am the sole inventor of the above identified application.
2. The photographs attached hereto as Exhibits were taken by Robert Haynes under my supervision.
3. Prior to July 25, 2003, I conceived and reduced to practice my invention as described and claimed in the above-identified application, as evidenced by the following.
4. In the summer of 2002, I began using a novel method of holding a golf club and putting, which is described in the specification, in Weston, Massachusetts. The method described and claimed in the patent application can be seen in the attached photographs, labeled Exhibits 1, 2, 3 and 4. Exhibit 1 shows the pressing of the end face of the shaft top of the golf club into my armpit, as described and claimed in the application. Exhibit 2 shows the position of my arms at the address position (before the swing commences). Exhibit 3 shows the backswing before the ball is struck, while Exhibit 4 shows the follow through after the ball is struck.

These photographs were taken with a digital camera in December of 2002 or January of 2003 and were subsequently downloaded by me onto my computer. When the images are downloaded onto the computer, filenames are automatically created for the photographs. For example, Exhibit 1 was given a filename of "MVC-079S.JPG". Exhibits 2-4 were named "MVC-070S.JPG", "MVC-072S.JPG" and "MVC-073S.JPG",

respectively. A printout of the computer display of the "Properties" page associated with each of the photographs labeled Exhibits 1-4 is attached as Exhibits 5-8. Each of these pages displays various properties associated with the corresponding aforementioned photograph. As can be seen, Exhibit 5 clearly shows that the photograph of Exhibit 1 (known as MVC-079S) was created on January 27, 2003. This indicates that the photograph was downloaded onto my computer on that date, since the file creation date would be its download date. Therefore, the photograph must have been taken on or before that date. Similarly, Exhibits 6-8 shows the same creation (i.e. download) date for Exhibits 2-4.

These exhibits clearly demonstrate that I conceived and reduced to practice my invention before July 25, 2003, which is the publication date of the "Rock Steady" article in the London Evening Standard.

The Examiner noted in the Office Action dated November 3, 2006 that claims 1, 10-13, 22-29, 35 and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over the London Evening Standard article. This declaration is being submitted to antedate this article and remove it as a reference.

Exhibit 1 clearly shows that the end face of the shaft top of the golf club is pressed against my armpit, as recited in claim 1. Exhibit 2 shows the positioning of the target side hand and the second hand, also in accordance with the limitations recited in claim 1.

As can be seen in Exhibit 1, a small practice cup is located nearby. This cup emulates a hole on a

golf course. Thus, Exhibit 1 shows the method being used to putt the golf ball, as required in claim 10.

No photographs exist of the method being used for chipping, as recited in claim 11. However, the method of holding the club for chipping does not change from that of putting; what changes is the type of club used. Accordingly, the attached exhibits demonstrate reduction to practice of the subject matter of claim 11 as well.

Claim 13 recites a method of striking a ball, requiring the end face of the shaft top of the golf club to be pressed against the arm pit (as shown in Exhibit 1), grasping the club with two hands (as shown in Exhibit 2), causing the club to move away from the golf ball (as shown in Exhibit 3) and causing the golf club to move in the direction of the ball and strike it (as shown in Exhibit 4). Thus, all steps recited in Claim 13 are present in Exhibits 1-4.

Claims 22-23 are shown in the Exhibits, as explained with respect to claims 10-11.

Claim 25 requires that the golf club move beyond the location where the golf ball was located. Exhibit 3 shows the location of the golf ball prior to the swing, while Exhibit 4 shows that the club has moved past that position during the follow-through.

Claim 26 requires that the movement of the golf club be caused by the rotation of the user's shoulders. Exhibit 2 shows the position of my shoulders before the swing. Note that they are roughly parallel to the ground surface. Exhibit 3 shows the backswing. From this Exhibit, it is clear

that my back (or right) shoulder has rotated to a position where it is now higher than my left shoulder. Notice as well that my left shoulder is lower than it was in Exhibit 2. This shows that rotation of the shoulders caused the movement of the golf club, as opposed to movement of the arms.

Claims 27-29 all address the motion of swinging, which can all be seen in Exhibits 3 and 4.

Exhibit 2 shows my target side arm being substantially extended and parallel to the shaft. Thus, the recited elements of claims 35 and 36 are demonstrated in this declaration.

I further declare that all statements of the foregoing declaration made of my own knowledge are true and that those made upon information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'T. Gold', is written over the printed name 'Thomas Gold'.

Thomas Gold